

**SUPREME COURT MINUTES
WEDNESDAY, OCTOBER 12, 2005
SAN FRANCISCO, CALIFORNIA**

S015008

PEOPLE v. SCHMECK (MARK L.)
Rehearing denied

Opinion modified - no change in judgment .

S037195

PEOPLE v. KENNEDY (JERRY N.)
Rehearing denied

S136468

H026759 Sixth Appellate District

SILICON VALLEY TAXPAYERS ASSOC. v.
SANTA CLARA COUNTY OPEN SPACE
Petition for review granted

Votes: George, C.J., Kennard, Baxter,
Werdegar, Chin, and Moreno, JJ.

S072946

PEOPLE v. GONZALEZ (JOSE)
Supplemental briefing ordered

The parties are requested to brief the following issues:

- (1) Whether the trial court erred in admitting rebuttal evidence at the first penalty trial (see AOB 97-104; cf. RB 188, fn. 44);
 - (2) Whether, assuming the trial court did err in admitting rebuttal evidence at the first penalty trial, the error prejudiced defendant at the second penalty trial (see AOB 104-106); and
 - (3) Whether, conversely, the rulings and proffered rebuttal evidence at the first trial made harmless any error at the second penalty trial in the court's refusal to require the prosecution to disclose its rebuttal evidence, because appellant already knew what rebuttal evidence was available to the prosecution (see AOB 87-96).
- Because these issues concern arguments appellant has already made, the Attorney General is directed first to file a supplemental respondent's brief limited to these questions on or before November 14, 2005. Appellant may

file a supplemental reply brief limited to these questions within 20 days of the filing of the supplemental respondent's brief.

S136165

G032347 Fourth Appellate District,
Division Three

PEOPLE v. MCMAHON

Review granted/briefing deferred (rule 29.1)

Further action in this matter is deferred pending consideration and disposition of a related issue in *People v. Smith*, S123074 and *People v. Shabazz*, S131048 (see Cal. Rules of Court, rule 28.2(d)(2)), or pending further order of the court. Submission of additional briefing, pursuant to California Rules of Court, rule 29.1, is deferred pending further order of the court.

Votes: George, C.J., Kennard, Baxter,
Werdegar, Chin, and Moreno, JJ.

S136178

B183355 Second Appellate District,
Division Three

PACHECO v. SUPERIOR COURT (PEOPLE)

Review granted; transferred to CA 2/3 to issue OSC

The matter is transferred to the Court of Appeal, Second Appellate District, Division Three, with directions to vacate its order denying the petition for writ of mandate and to issue an order directing respondent Superior Court of Los Angeles County to show cause why the relief sought in the petition should not be granted.

Votes: George, C.J., Kennard, Werdegar, Chin,
and Moreno, JJ.

S110683

A094946 First Appellate District,
Division Five

BLACK (CHARLES ALEX) ON H.C.

Dismissed per rule 29.3(b), and remanded to CA 1/5

In light of the decision in *In re Reeves* (2005) 35 Cal.4th 765, review in the above-entitled matter is dismissed. (Cal. Rules of Court, rule 29.3(b).)

Votes: George, C.J., Kennard, Baxter,
Werdegar, Chin, and Moreno, JJ.

S121911

B161037 Second Appellate District,
Division Three

ARAKELIAN v. CONQUEST

Dismissed per rule 29.3(b), and remanded to CA 2/3

In light of the decision in *Reynolds v. Bement*, (2005) 36 Cal.4th 1075, review in the above-entitled matter is dismissed. (Cal. Rules of Court, rule 29.3(b).)

Votes: George, C.J., Kennard, Baxter, Werdegarr, Chin, and Moreno, JJ.

S127439

H025526 Sixth Appellate District

CORTINAS (JAVIER O.) ON H.C.

Dismissed per rule 29.3(b), and remanded to CA 6

In light of the decision in *In re Dannenberg* (2005) 34 Cal.4th 1061, review in the above-entitled matter is dismissed. (Cal. Rules of Court, rule 29.3(b).)

Votes: George, C.J., Kennard, Baxter, Werdegarr, Chin, and Moreno, JJ.

S128935

G032276 Fourth Appellate District,
Division Three

QUEST INTERNATIONAL v. ICODE CORP.

Dismissed per rule 29.3(b), and remanded to CA 4/3

Pursuant to the Joint Motion to Dismiss Review filed on September 22, 2005, review in the above-entitled matter is dismissed. (Cal. Rules of Court, rule 29.3(b)(3).)

Votes: George, C.J., Kennard, Baxter, Werdegarr, Chin, and Moreno, JJ.

S137113

B174493 Second Appellate District,
Division Seven

PEOPLE v. ESPINOZA

Appeal abated

Due to the death on August 6, 2005, of Ediel Espinoza, all proceedings in this cause are permanently abated, and the cause is transferred to the Court of Appeal, Second Appellate District, Division 7, with directions to enter an order to that effect in Case No. B174493 and to require the Superior Court of Los Angeles County to enter an order to that effect in Case No. LA043750. (Cal. Rules of Court,

rule 29.3(d); *People v. Dail* (1943) 22 Cal.2d 642, 659; *People v. Bandy* (1963) 216 Cal.App.2d 458, 466.)

Votes: George, C.J., Kennard, Baxter, Werdegarr, Chin, and Moreno, JJ.

S137474

B185246 Second Appellate District,
Division Eight

RIVEROL v. S.C. (PEOPLE)

Petition ordered withdrawn

per written request of petitioner.

S100542

BRADFORD (BILL) ON H.C.

Petition for writ of habeas corpus denied (AA)

The petition for writ of habeas corpus is denied as follows:

The petition is denied on the merits. To the extent the petition challenges the denial of petitioner's motion to suppress evidence under the Fourth Amendment, the petition is denied as not cognizable on habeas corpus. (*In re Clark* (1993) 5 Cal.4th 750, 766-767; *In re Lessard* (1965) 62 Cal.2d 497, 503-504.)

The request for a stay of execution is denied as moot.

S114479

TURNER (MELVIN) ON H.C.

Petition for writ of habeas corpus denied (AA)

The petition for writ of habeas corpus filed March 21, 2003, is denied on the merits. In addition, except to the extent it is based on the October 16, 2002, Stephen Polak report, Claim A is also denied on the grounds it is untimely and repetitive. (*In re Robbins* (1998) 18 Cal.4th 770, 780-781; *In re Clark* (1993) 5 Cal.4th 750, 783; *In re Miller* (1941) 17 Cal.2d 734, 735.) Except to the extent it relies on *Ring v. Arizona* (2002) 536 U.S. 584, Claim B is also denied on the ground it was raised and rejected on appeal. (*In re Harris* (1993) 5 Cal.4th 813, 834; *In re Waltreus* (1965) 62 Cal.2d 218, 225.)

S120388

TURNER (MELVIN) ON H.C.

Petition for writ of habeas corpus denied (AA)

The "Petition for Writ of Habeas Corpus" filed November 10, 2003 is denied. Each claim is denied on the merits for failure to state a prima facie case for relief. The denial as to Claim I (*Atkins v. Virginia* (2002) 536 U.S. 304) is without prejudice to filing a new petition and supporting documentation to comply with the requirements of *In re Hawthorne* (2005) 35 Cal.4th 40. The judicial notice request is granted.

S135571B183593 Second Appellate District,
Division One

MORSE v. CITY OF INGLEWOOD

Petition for review denied

S135673

H027337 Sixth Appellate District

HONESTO (PETER) ON H.C.

Petition for review denied

S135676B181191 Second Appellate District,
B179046 Division Four
B178339

NGO (KY TONY) ON H.C.

Petition for review denied

S135728

C046683 Third Appellate District

MADRID v. PEROT SYSTEMS CORPORATION

Petition for review & depublication requests denied

S135733B181669 Second Appellate District,
Division Four

SENA (RUBEN ONESIMO) ON H.C.

Petition for review denied

S135736A110005 First Appellate District,
Division Three

BACA (LOUIS) ON H.C.

Petition for review denied

S135740B183906 Second Appellate District,
Division Three

RAMOS (ANTHONY) ON H.C.

Petition for review denied

S135741
B183210 Second Appellate District,
Division Six

SNIDER (JAMES L.) ON H.C.
Petition for review denied

S135757
D044120 Fourth Appellate District,
Division One

BRIERTON v. DEPT OF MOTOR VEHICLES
Petition for review & depublication request denied

Kennard, J., is of the opinion the petition should
be granted.

S135767
A110364 First Appellate District,
Division Two

OLIVER (LUKE E.) ON H.C.
Petition for review denied

S135771
C050158 Third Appellate District

BJORLIN (MICHAEL A.W.) ON H.C.
Petition for review denied

S135820
H029002 Sixth Appellate District
H029002

HEMPSTEAD (FRED) ON H.C.
Petition for review denied

S135838
G035716 Fourth Appellate District,
Division Three

MUHAMED (NO) ON H.C.
Petition for review denied

S135840
H028652 Sixth Appellate District

GAOIRAN (ROLANDO) ON H.C.
Petition for review denied

S135861
A104520 First Appellate District,
Division Five

PEOPLE v. SUNDAY
Petition for review denied

S135865
F048310 Fifth Appellate District

SARPY (DEAN) ON H.C.
Petition for review denied

S135866
H029023 Sixth Appellate District

NELSON (RENAL) ON H.C.
Petition for review denied

S135904 B182899 Second Appellate District, Division Four	BARRY (JOHN) ON H.C. Petition for review denied
S135950 A110398 First Appellate District, Division Two	CALDERON (GUY DAVID) ON H.C. Petition for review denied
S135962 A110578 First Appellate District, Division Four	ARREOLA (JESUS S.) ON H.C. Petition for review denied
S135969 C043001 Third Appellate District	PEOPLE v. WEBB Petition for review denied
S135978 H029037 Sixth Appellate District	RAMOS (HONESTO B.) ON H.C. Petition for review denied
S135986 C043606 Third Appellate District	PEOPLE v. SANCHEZ Petition for review denied
S136004 B183475 Second Appellate District, Division Five	GFT ENTERTAINMENT v. S.C. (COMERICA BANK) Petition for review denied
S136014 B170367 Second Appellate District, Division Five	ARNO v. HELINET CORPORATION Petitions for review denied
S136017 B169059 Second Appellate District, Division One	PEOPLE v. JACKSON Petition for review denied
S136025 E035829 Fourth Appellate District, Division Two	PEOPLE v. THOMAS Petition for review denied

S136057 H026919 Sixth Appellate District	PEOPLE v. WILSON Petition for review denied
S136084 B174156 Second Appellate District, Division Three	PEOPLE v. GUTIERREZ Petition for review denied
S136085 C049202 Third Appellate District	PEOPLE v. RODRIGUEZ Petition for review denied
S136087 A104279 First Appellate District, Division Three	PEOPLE v. HARVEY Petition for review denied
S136096 H027244 Sixth Appellate District	PEOPLE v. BRAY Petition for review denied
S136106 G033959 Fourth Appellate District, Division Three	PEOPLE v. RAMIREZ AND LANGLOIS Petitions for review denied
S136112 A106840 First Appellate District, Division Four	PEOPLE v. ALEXANDER Petition for review denied
S136124 E035188 Fourth Appellate District, Division Two	PEOPLE v. VANDERWERFF Petition for review denied
S136127 E034304 Fourth Appellate District, Division Two	PEOPLE v. SANCHEZ Petition for review denied
S136137 G035616 Fourth Appellate District, Division Three	MADRID (DANNY) ON H.C. Petition for review denied

S136139
B184330 Second Appellate District,
Division Two

LANG, (LAURENCE) ON H.C.
Petition for review denied

S136145
H029013 Sixth Appellate District

AIRGAS-NORTHERN CALIF v. S.C. (CULLERS)
Petition for review denied

S136157
B184302 Second Appellate District,
Division Two

PELHAM (MARCUS BOYCE) ON H.C.
Petition for review denied

S136163
B177420 Second Appellate District,
Division Four

PEOPLE v. BLANCO
Petition for review denied

S136166
B184398 Second Appellate District,
Division Three

ALLY (DOWARD) ON H.C.
Petition for review denied

S136177
B176350 Second Appellate District,
Division One

BISNO v. SANTA MONICA RENT CONTROL BD.
Petition for review denied

S136190
C044621 Third Appellate District

PEOPLE v. GOMEZ
Petition for review & depublication request denied

Kennard, J., is of the opinion the petition should
be granted.

S136191
G033574 Fourth Appellate District,
Division Three

PEOPLE v. HOPPER
Petition for review denied

S136202
G033833 Fourth Appellate District,
Division Three

PEOPLE v. COOK
Petition for review denied

S136211

F045338 Fifth Appellate District
F046297

PEOPLE v. HOOD

Petition for review denied

S136222

A110819 First Appellate District,
Division Four

PETERSON (WILBERT) ON H.C.

Petition for review denied

S136225

A110728 First Appellate District,
Division Four

BUTLER (NELSON) ON H.C.

Petition for review denied

S136226

B171504 Second Appellate District,
Division Four

PEOPLE v. CLEVELAND

Petition for review denied

S136227

E037015 Fourth Appellate District,
Division Two

PEOPLE v. TRUMAN

Petition for review denied

S136231

G032767 Fourth Appellate District,
Division Three

PEOPLE v. VECHEs

Petition for review denied

S136236

A110367 First Appellate District,
Division Five

AICCO v. INSURANCE CO. OF NORTH AMERICA

Petition for review denied

S136237

A100428 First Appellate District,
Division Five

PEOPLE v. ROSS

Petition for review denied

S136243

B183988 Second Appellate District,
Division Eight

PATTERSON (DAVID) ON H.C.

Petition for review denied

S136244

B170163 Second Appellate District,
Division One

SCOTTSDALE INSURANCE v. STATE FARM

Petition for review denied

S136250

B176748 Second Appellate District,
Division Eight

PEOPLE v. JAMES

Petition for review denied

S136264

A107184 First Appellate District,
Division Four

PEOPLE v. ROMAN

Petition for review denied

S136266

E036144 Fourth Appellate District,
Division Two

PEOPLE v. DICKENS

Petition for review denied

S136269

B183409 Second Appellate District,
Division Four

BRODSKY (CLIFFORD) ON H.C.

Petition for review denied

S136272

B176776 Second Appellate District,
Division One

PEOPLE v. DENT

Petition for review denied

S136275

F048434 Fifth Appellate District

WEIDERT (DAVID) ON H.C.

Petition for review denied

S136283

G035303 Fourth Appellate District,
Division Three

VALBUENA v. S.C. (C.R. SHELTON)

Petition for review denied

S136292

E036823 Fourth Appellate District,
Division Two

B. (S.), IN RE

Petition for review & depublication request denied

S136308

B175050 Second Appellate District,
Division Six

PEOPLE v. AMBRIZ

Petition for review denied

S136314

F045054 Fifth Appellate District

PEOPLE v. KRIEGH

Petition for review denied

Kennard, J., is of the opinion the petition should
be granted.

S136324

A106902 First Appellate District,
Division Five

PEOPLE v. MacCHARLES

Petition for review denied

S136343

B170909 Second Appellate District,
B180298 Division Eight

PEOPLE v. RUFUS

Petition for review denied

S136370

D045543 Fourth Appellate District,
Division One

PEOPLE v. BRUCE

Petition for review denied

S136381

E036960 Fourth Appellate District,
Division Two

VANDERWERFF (CHRISTOPHER) ON H.C.

Petition for review denied

S136397

F047774 Fifth Appellate District

MADRIGAL v. S.C. (PEOPLE)

Petition for review and application for stay denied

S136400

C045210 Third Appellate District

PEOPLE v. AHLUWALIA

Petition for review denied

S136401

A104945 First Appellate District,
A105108 Division Four

PEOPLE v. SEDILLO

Petitions for review denied

S136407

E038465 Fourth Appellate District,
Division Two

GARCIA (WAYNE) ON H.C.

Petition for review denied

S136425

D044394 Fourth Appellate District,
Division One

PEOPLE v. AGEEL

Petition for review denied

S136440

B173040 Second Appellate District,
Division Seven

PEOPLE v. JONES

Petition for review denied

S136453

B171760 Second Appellate District,
Division Two

PEOPLE v. JARSO

Petitions for review denied

S136455

B184249 Second Appellate District,
Division Four

LEE (YOUNG JO) ON H.C.

Petition for review denied

S136460

E038510 Fourth Appellate District,
Division Two

TYLER (ELONZA) ON H.C.

Petition for review denied

S136464

G035767 Fourth Appellate District,
G035626 Division Three

SCHROEDER v. S.C. (ALITALIA)

Petition for review denied

S136480

D043345 Fourth Appellate District,
D044649 Division One

PEOPLE v. CASTANON

Petition for review denied

S136494

G035842 Fourth Appellate District,
Division Three

DANG (THONG) ON H.C.

Petition for review denied

S136503

E036180 Fourth Appellate District,
Division Two

PEOPLE v. REGE

Petition for review & depublication request denied

S136507

A110798 First Appellate District,
Division One

STEVENS (RALPH W.) ON H.C.

Petition for review denied

S136513

C044635 Third Appellate District

PEOPLE v. ORTEGA

Petition for review denied

S136521

B174107 Second Appellate District,
Division Four

PEOPLE v. CHO

Petitions for review denied

S136525

B184252 Second Appellate District,
Division Eight

GANDARA v. S.C. (PEOPLE)

Petition for review denied

S136561

H029091 Sixth Appellate District

GOMBERG v. (S.C.) PEOPLE

Petition for review denied

S136567

G032799 Fourth Appellate District,
Division Three

PAYNE v. ANAHEIM MEMORIAL MEDICAL CTR.

Petition for review denied

S136594

B814716 Second Appellate District,
Division Three

GUYTON (EDWARD) ON H.C.

Petition for review denied

S136598

B176352 Second Appellate District,
Division One

LEVINE, MARRIAGE OF

Petition for review denied

S136623

D043509 Fourth Appellate District,
Division One

SHAW v. COUNTY OF SAN DIEGO

Petition for review denied

S136624

E036083 Fourth Appellate District,
Division Two

PEOPLE v. CIGGS

Petition for review denied

Kennard, J., is of the opinion the petition should
be granted.

S136628

A104712 First Appellate District,
Division Three

PEOPLE v. KEADING

Petition for review denied

S136648

B176863 Second Appellate District,
Division One

BARTON PROPERITES v. LOS ANGELES, CITY OF

Petition for review denied

S136649

B177041 Second Appellate District,
Division Two

GAXIOLA (ADOLFO) ON H.C.

Petition for review denied

S136653 G035617 Fourth Appellate District, Division Three	MENIFEE WOODSIDE INC v. S.C. (ANDERSON) Petition for review denied
S136674 B174357 Second Appellate District, Division Eight	PEOPLE v. IHENACHO Petition for review denied
S136718 B185122 Second Appellate District, Division Four	HAYCOCK v. S.C. (MCMULLEN) Petition for review denied
S136726 C050082 Third Appellate District	PEOPLE v. WASHINGTON Petition for review denied
S136727 F047580 Fifth Appellate District	WASHINGTON v. SUPERIOR COURT KINGS COUNTY COUNTY CLERK'S OFFICE. Petition for review denied
S136758 B177953 Second Appellate District, Division Three	PEOPLE v. BLACKBURN Petition for review denied
S136759 G032321 Fourth Appellate District, Division Three	PEOPLE v. DARLING Petition for review denied
S136760 A110621 First Appellate District, Division One	VILLAR v. LOGIE Petition for review denied
S136763 A104710 First Appellate District, Division One	PEOPLE v. AGUIRRE Petition for review denied
S136764 C050413 Third Appellate District	LYLES v. S.C. (PEOPLE) Petition for review denied

S136766

B174284 Second Appellate District,
Division One

PEOPLE v. TORRES

Petition for review denied

S136767

F047341 Fifth Appellate District

D. (BABY GIRL), IN RE

Petition for review denied

S136768

C047746 Third Appellate District

S. (ERICA), IN RE

Petition for review denied

S136770

F044931 Fifth Appellate District

PEOPLE v. HICKS

Petition for review denied

S136776

B175765 Second Appellate District,
Division Eight

PEOPLE v. MARTIN

Petition for review denied

Kennard, J., is of the opinion the petition should
be granted.

S136780

F045566 Fifth Appellate District

PEOPLE v. DELGADO

Petition for review denied

S136786

A107446 First Appellate District,
Division Two

PEOPLE v. SHUBUNKA

Petition for review denied

S136802

C041047 Third Appellate District

PEOPLE v. CRUZ

Petition for review denied

S136809

A106098 First Appellate District,
Division Three

PEOPLE v. MALDONADO

Petition for review denied

S136818

B185124 Second Appellate District,
Division Two

PEOPLE v. MORROW

Petition for review denied

S136819

B170310 Second Appellate District,
Division Four

PEOPLE v. BROWN

Petition for review denied

S136820

A106689 First Appellate District,
Division Four

PEOPLE v. SUAREZ-ESPINOSA

Petition for review denied

S136825

D043939 Fourth Appellate District,
Division One

PEOPLE v. AVILA

Petition for review denied

S136829

B177828 Second Appellate District,
Division Three

PEOPLE v. FLOWERS

Petition for review denied

S136832

A108026 First Appellate District,
Division Four

D. (J.), IN RE

Petition for review denied

S136834

E038658 Fourth Appellate District,
Division Two

POLLOCK v. S.C. (PEOPLE)

Petition for review denied

S136835

F044866 Fifth Appellate District

PEOPLE v. PACKARD

Petition for review denied

Petition for review denied without prejudice to
any relief to which defendant might be entitled
after this court decides *People v. Cage*,
S127373.

S136846

D046749 Fourth Appellate District,
Division One

RASKIN-WHITE v. S.C. (ERB)

Petition for review denied

S136848

A111009 First Appellate District,
Division Four

DOLLAR FINANCIAL GROUP v. S.C. (WILLIAMS)

Petition for review denied

S136851

D043154 Fourth Appellate District,
Division One

BROWN FIELD AVIATION PARK v. PB AVIATION
Petition for review denied

Kennard, and Moreno, JJ., are of the opinion the
petition should be granted.

S136852

D044688 Fourth Appellate District,
Division One

PEOPLE v. MANZANO
Petition for review denied

S136862

B176774 Second Appellate District,
Division Eight

PEOPLE v. GARCIA
Petition for review denied

S136865

B179697 Second Appellate District,
Division One

PEOPLE v. GALINDO
Petition for review denied

S136872

E036136 Fourth Appellate District,
Division Two

PEOPLE v. PEREZ
Petition for review denied

S136878

E036729 Fourth Appellate District,
Division Two

PEOPLE v. RO
Petition for review denied

S136885

B177746 Second Appellate District,
Division Four

LEVKOFF v. GLEN
Petition for review denied

S136887

E034937 Fourth Appellate District,
Division Two

INLAND VALLEY DEVELOPMENT v. PATEL
Petition for review denied

S136897

C050418 Third Appellate District

CORTEZ v. S.C. (DARNELL)
Petition for review denied

S136899

H026609 Sixth Appellate District

PEOPLE v. RUIZ

Petition for review denied

Petition for review denied without prejudice to any relief to which defendant might be entitled after this court decides *People v. Giles*, S129852.

S136900G032439 Fourth Appellate District,
Division Three

PEOPLE v. MILLER

Petition for review denied

S136903

H027451 Sixth Appellate District

PEOPLE v. VASQUEZ

Petition for review denied

S136904B180418 Second Appellate District,
Division Six

PEOPLE v. COME

Petition for review denied

S136905

H027515 Sixth Appellate District

NADASDY, IN RE THE MARRIAGE OF

Petition for review denied

S136910A107879 First Appellate District,
Division Five

H. (MICHAELA), IN RE

Petition for review denied

S136911A107544 First Appellate District,
Division Three

PEOPLE v. MARSTON

Petition for review denied

S136918

F045981 Fifth Appellate District

PEOPLE v. LOPEZ

Petition for review denied

S136920

H028001 Sixth Appellate District

M. (ROBERTO) IN RE

Petition for review denied

S136921A111061 First Appellate District,
Division One

MUTNICK v. S.C. (CITY OF BERKELEY)

Petition for review denied

S136924

F046387 Fifth Appellate District

D. (ERIC), IN RE

Petition for review denied

S136925E036344 Fourth Appellate District,
Division Two

PEOPLE v. GONZALES

Petition for review denied

S136927

C050218 Third Appellate District

STEVENS v. S.C. (PEOPLE)

Petition for review denied

S136928

F046876 Fifth Appellate District

PEOPLE v. WEIDNER

Petition for review denied

S136929A104197 First Appellate District,
Division Four

PEOPLE v. JONES

Petition for review denied

Petition for review denied without prejudice to
any relief to which defendant might be entitled
after this court decides *People v. Cage*,
S127373.

S136931D044492 Fourth Appellate District,
Division One

GHOSN v. GHOSN

Petition for review denied

S136933D044890 Fourth Appellate District,
Division One

ANGELES v. LOMA VERDE

Petition for review denied

S136934B176754 Second Appellate District,
Division Two

PEOPLE v. DAVIS

Petition for review denied

S136935E036313 Fourth Appellate District,
Division Two

PEOPLE v. MOODY

Petition for review denied

S136936 B177273 Second Appellate District, Division Eight	HERMANN v. BOTTINI Petition for review denied
S136938 H027997 Sixth Appellate District	PEOPLE v. DUDA Petition for review denied
S136941 B173809 Second Appellate District, Division Four	PEOPLE v. JONES Petition for review denied
S136945 B175751 Second Appellate District, Division Three	GALLEGOS v. PACIFIC REGLAZING INC. Petition for review denied
S136951 B176269 Second Appellate District, Division Four	PEOPLE v. UMANA Petition for review denied
S136952 B174142 Second Appellate District, Division Eight	PEOPLE v. MORENO Petition for review denied
S136953 C048312 Third Appellate District	PEOPLE v. KNAUFF Petition for review denied
S136954 F047811 Fifth Appellate District	B. (HARRIS), IN RE Petition for review denied
S136959 B175169 Second Appellate District, Division Seven	HOWELL v. UNIV. OF WEST L.A. SCH. OF LAW Petition for review denied
S136961 B160577 Second Appellate District, Division Seven	LOS ANGELES v. BAKER et al. Petition for review denied

S136965

B171917 Second Appellate District,
Division Eight

PEOPLE v. ARIAS

Petition for review denied

S136967

B175115 Second Appellate District,
Division Three

PEOPLE v. BLAJOS

Petition for review denied

S136968

G034027 Fourth Appellate District,
Division Three

EGGERS, MARRIAGE OF

Petition for review denied

Kennard, and Baxter, JJ., are of the opinion the
petition should be granted.

S136971

B170644 Second Appellate District,
Division Seven

UNION OF AMERICAN PYHSICIANS v. LOS

ANGELES CNTY EMPLOYEE RELATIONS COMM

Petition for review & depublication request denied

S136973

B181553 Second Appellate District,
Division Three

PEOPLE v. RUIZ

Petition for review denied

S136974

B171514 Second Appellate District,
Division Six

PEOPLE v. FYFFE

Petition for review denied

S136975

B173651 Second Appellate District,
Division Six

PEOPLE v. MAY

Petition for review denied

S136976

B176946 Second Appellate District,
Division Eight

CASEY & JONES, MARRIAGE OF

Petition for review denied

S136977

B184238 Second Appellate District,
Division Eight

C. (AMANDA) v. S.C. (DEPT CHILDREN & FAMILY

Petition for review denied

S136979

G033284 Fourth Appellate District,
Division Three

PEOPLE v. DANCE

Petition for review denied

S136980

H027806 Sixth Appellate District

PEOPLE v. FERRIS

Petition for review denied

S136982

F046958 Fifth Appellate District
F046960

PEOPLE v. DONLEY

Petition for review denied

S136983

C048525 Third Appellate District

PEOPLE v. NAVIKO

Petition for review denied

S136985

B178269 Second Appellate District,
Division Six

PEOPLE v. SARABIA

Petition for review denied

S136987

H029215 Sixth Appellate District

FICKES v. S.C.(PEOPLE)

Petition for review and application for stay denied

S136988

B175132 Second Appellate District,
Division Seven

PEOPLE v. CHAIREZ

Petition for review denied

S136992

B179266 Second Appellate District,
Division Seven

BECERRADA v. S.C. (SHERIFF'S DEPT)

Petition for review denied

Kennard, J., is of the opinion the petition should
be granted.

S136993

B185249 Second Appellate District,
Division Eight

BEZAIRE v. S.C. (CITY)

Petition for review denied

S136996

G034201 Fourth Appellate District,
Division Three

PEOPLE v. CORTES

Petition for review denied

S136999

C046953 Third Appellate District

G. (J.), IN RE

Petition for review denied

S137003B174701 Second Appellate District,
Division Three

PEOPLE v. FLETCHER

Petition for review denied

S137010A105420 First Appellate District,
Division Two

PEOPLE v. MEMMER

Petition for review denied

S137011B174147 Second Appellate District,
Division Four

PEOPLE v. CRUZ

Petition for review denied

S137012

C047910 Third Appellate District

PEOPLE v. CANDELARIA

Petition for review denied

S137013

F045870 Fifth Appellate District

PEOPLE v. GARCIA

Petition for review denied

S137015B180937 Second Appellate District,
Division One

PEOPLE v. HISTON

Petition for review denied

S137021B176663 Second Appellate District,
Division Four

GARAMENDI v. MISSION INSURANCE CO.

Petition for review denied

S137023

F045046 Fifth Appellate District

PEOPLE v. CRAIG

Petition for review denied

Baxter, J., was recused and did not participate.

S137024B177723 Second Appellate District,
Division Five

PEOPLE v. WILLIAMS

Petition for review denied

S137025

A107758 First Appellate District,
Division Two

PEOPLE v. HOWARD

Petition for review denied

S137028

B176476 Second Appellate District,
Division One

PEOPLE v. MALDONALDO

Petition for review denied

S137034

B174562 Second Appellate District,
Division Five

PEOPLE v. STEPHENS

Petition for review denied

S137035

C045987 Third Appellate District

PEOPLE v. REYNOSO

Petition for review denied

S137039

H027573 Sixth Appellate District

PEOPLE v. FRANCISCO

Petition for review denied

S137049

G034416 Fourth Appellate District,
Division Three

ENDANGERED HABITATS LEAGUE v. S.C.
(RUTTER DEVELOPMENT CO. INC.)

Petitions for review denied

Request for judicial notice granted.

S137050

D045024 Fourth Appellate District,
Division One

PEOPLE v. MENDIOLA

Petition for review denied

S137051

A108384 First Appellate District,
Division Five

WILLIAMS v. VALLEJO CITY UNIF SCHOOL DIST.

Petition for review denied

S137052

D044533 Fourth Appellate District,
Division Two

PEOPLE v. CHRISMAN

Petition for review denied

S137053

G033222 Fourth Appellate District,
Division Three

PEOPLE v. HAFER

Petition for review denied

S137054 B185488 Second Appellate District, Division Seven	7-ELEVEN INC. v. A.B.C. (DEPT OF A.B.C.) Petition for review and application for stay denied
S137056 A104714 First Appellate District, Division Three	FERRE v. FERRE Petition for review denied
S137057 B178548 Second Appellate District, Division Two	C. (APRIL), IN RE Petitions for review denied
S137058 B176922 Second Appellate District, Division Eight	PEOPLE v. CRIBBS Petition for review denied
S137059 B176761 Second Appellate District, Division One	PEOPLE v. COLLIS Petition for review denied
S137060 E036505 Fourth Appellate District, Division Two	B.(K.R.). IN RE Petition for review denied
S137061 G034340 Fourth Appellate District, Division Three	PEOPLE v. VELASQUEZ Petition for review denied
S137067 A106090 First Appellate District, Division Three	PEOPLE v. INGWELL Petition for review denied
S137068 A104141 First Appellate District, Division Two	GREEN v. GRADUATE THEOLOGICAL UNION Petition for review denied
S137073 D044306 Fourth Appellate District, Division One	PEOPLE v. O'BRIEN Petition for review denied

S137075

E036066 Fourth Appellate District,
Division Two

PEOPLE v. OTTO

Petition for review denied

S137079

B180711 Second Appellate District,
Division Two

T. (Z.), IN RE

Petition for review denied

S137082

F046227 Fifth Appellate District

PEOPLE v. SEPULVEDA

Petition for review denied

Baxter, J., was recused and did not participate.

S137086

B173960 Second Appellate District,
Division Four

TURNER v. KAISER FOUNDATION HEALTH PLAN

Petition for review denied

Werdegar, J., was recused and did not
participate.

S137087

B167017 Second Appellate District,
B167541 Division Seven
B167542
B167540

GENERAL CASUALTY INSURANCE v. W.C.A.B.
(CALIF INSURANCE GUARANTEE ASSN.)

Petition for review denied; CA opinion decertified

The Reporter of Decisions is directed not to
publish in the Official Appellate Reports the
opinion in the above entitled appeal filed
July 25, 2005, which appears at 131 Cal.App.4th
345. (Cal. Const., art. VI, section 14; rule 976,
Cal. Rules of Court.)

S137089

C048298 Third Appellate District

RIO LINDA SCHOOL DISTRICT v. W.C.A.B.
(SCHEFTNER)

Petition for review denied

S137091

C048192 Third Appellate District

PEOPLE v. HILL

Petition for review denied

S137095

B162038 Second Appellate District,
Division Seven

ASKARI v. SAHAKIAN

Petition for review denied

S137096RYGIEL v. MEDICAL BOARD OF CALIFORNIA
Petition for writ of mandate/prohibition denied**S137101**B174405 Second Appellate District,
Division SixFROST v. GUREWITZ
Petition for review denied**S137108**E036867 Fourth Appellate District,
Division TwoPEOPLE v. MORALES
Petition for review denied**S137114**B176965 Second Appellate District,
Division SixPEOPLE v. KIE
Petition for review denied**S137116**E036237 Fourth Appellate District,
Division TwoPEOPLE v. FONSECA
Petition for review denied**S137118**B175728 Second Appellate District,
Division SixPEOPLE v. TONEY
Petition for review denied**S137121**

F045184 Fifth Appellate District

PEOPLE v. GULLATT
Petition for review denied**S137126**A110632 First Appellate District,
Division OneRUTLEDGE v. S.C. (PEOPLE)
Petition for review and application for stay denied**S137127**

F044715 Fifth Appellate District

PEOPLE v. MCCARTY
Petition for review denied

Baxter, J., was recused and did not participate.

S137130

H028640 Sixth Appellate District

C. (KATIE), IN RE
Petition for review denied

S137132

A110797 First Appellate District,
Division Three

DINSDALE v. S.C. (HALASZYNSKI)

Petition for review denied

S137143

C046674 Third Appellate District

CITRUS HEIGHTS, CITY OF v. MORGAN

Petition for review denied

S137145

G033667 Fourth Appellate District,
Division Three

PEOPLE v. DILLARD

Petition for review denied

S137155

B175719 Second Appellate District,
Division Eight

PEOPLE v. SVELUND

Petition for review denied

S137157

B176168 Second Appellate District,
Division Five

PEOPLE v. PINTOR

Petition for review denied

S137177

B185322 Second Appellate District,
Division Three

LYLES v. S.C. (PEOPLE)

Petition for review denied

S137192

B179929 Second Appellate District,
Division Three

PEOPLE v. BOYD

Petition for review denied

S137193

B178668 Second Appellate District,
Division Eight

PEOPLE v. MORALES

Petition for review denied

S137196

D045342 Fourth Appellate District,
Division One

W. (S.), IN RE

Petition for review & depublication request denied

S137200

B170988 Second Appellate District,
Division Two

DINE v. PINE

Petition for review denied

S137204

B175394 Second Appellate District,
Division Five

DUTTON v. BOYER

Petition for review denied

S137223

B177528 Second Appellate District,
Division Six

PEOPLE v. CHOICE

Petition for review denied

S137224

H029195 Sixth Appellate District

LITMON v. S.C. (PEOPLE)

Petition for review denied

S137235

B176118 Second Appellate District,
Division Three

WINTER v. SANTA MONICA

Petition for review denied

S137320

E038750 Fourth Appellate District,
Division Two

MOORE (GENE) ON H.C.

Petition for review denied

S137331

B185526 Second Appellate District,
Division Eight

LUCKETT v. S.C. (KEYLEE)

Petition for review and application for stay denied

S137345

A111331 First Appellate District,
Division Two

COOPER v. S.C. (STANTEN)

Petition for review and application for stay denied

S137367

WASHINGTON v. CA 2 (PEOPLE)

Petition for writ of mandate/prohibition & stay denied

S137458

D044685 Fourth Appellate District,
Division One

PEOPLE v. CANO

Petition for review denied

S137473

ALLEN v. CA 1/4 (PEOPLE)

Petition for writ of mandate/prohibition denied

S137651B185700 Second Appellate District,
Division TwoCHERRY v. S.C. (3075 WILSHIRE BLVD)
Petition for review and application for stay denied**S122799**SAECHAO (CHEO POU) ON H.C.
Petition for writ of habeas corpus denied**S127224**GUINN (JASON) ON H.C.
Petition for writ of habeas corpus denied(See *In re Robbins* (1998) 18 Cal.4th 770, 780.)**S127227**VALDEZ (TITO DAVID) ON H.C.
Petition for writ of habeas corpus denied**S127908**STOWERS (STEPHAN) ON H.C.
Petition for writ of habeas corpus denied**S127990**PALMER (WILL M.) ON H.C.
Petition for writ of habeas corpus denied**S128281**CARAVAYO (MITCHELL A.) ON H.C.
Petition for writ of habeas corpus denied**S128393**ABEDI (MOHAMMED) ON H.C.
Petition for writ of habeas corpus denied(See *In re Robbins* (1998) 18 Cal.4th 770, 780.)**S128412**SILVA (MARCELINO C.) ON H.C.
Petition for writ of habeas corpus denied**S128697**RELIFORD (RODNEY D.) ON H.C.
Petition for writ of habeas corpus denied**S128701**JACKSON (TROYCE E.) ON H.C.
Petition for writ of habeas corpus denied

S128712

BRYANT (MARVIN) ON H.C.
Petition for writ of habeas corpus denied

S128729

AYALA (ROBERT) ON H.C.
Petition for writ of habeas corpus denied

(See *In re Robbins* (1998) 18 Cal.4th 770, 780.)

S128744

ABEDI (MOHAMMED) ON H.C.
Petition for writ of habeas corpus denied

S128746

WARD (MARCUS) ON H.C.
Petition for writ of habeas corpus denied

(See *In re Swain* (1949) 34 Cal.2d 300, 304;
People v. Duvall (1995) 9 Cal.4th 464, 474.)

S128782

SWEET (MICHAEL A.) ON H.C.
Petition for writ of habeas corpus denied

(See *In re Clark* (1993) 5 Cal.4th 750; *In re Robbins* (1998) 18 Cal.4th 770, 780; *In re Miller* (1941) 17 Cal.2d 734.)

S129065

KING (ORLANDO) ON H.C.
Petition for writ of habeas corpus denied

S129069

LICON (IGNACIO) ON H.C.
Petition for writ of habeas corpus denied

S129098

ADEJUYIGBE (RICHARD O.) ON H.C.
Petition for writ of habeas corpus denied

S129122

IBARRA (ARMANDO) ON H.C.
Petition for writ of habeas corpus denied

S129139

YUM (PAUL C.) ON H.C.
Petition for writ of habeas corpus denied

S129162VASQUEZ (ANTONIO) ON H.C.
Petition for writ of habeas corpus denied**S129254**BEECHER (GILVER M.) ON H.C.
Petition for writ of habeas corpus denied**S129255**BURTON (KEVIN) ON H.C.
Petition for writ of habeas corpus denied

(See *In re Swain* (1949) 34 Cal.2d 300, 304;
People v. Duvall (1995) 9 Cal.4th 464, 474.)

S129272SMITHSON (THOMAS JOHN) ON H.C.
Petition for writ of habeas corpus denied

(See *In re Clark* (1993) 5 Cal.4th 750; *In re Robbins* (1998) 18 Cal.4th 770, 780; *In re Waltreus* (1965) 62 Cal.2d 218.)

S129274FREDIANI (DAVID P.) ON H.C.
Petition for writ of habeas corpus denied**S129276**BROWNLEE (TERRANCE) ON H.C.
Petition for writ of habeas corpus denied

(See *In re Clark* (1993) 5 Cal.4th 750; *In re Robbins* (1998) 18 Cal.4th 770, 780.)

S129279RHODES (LOUIE) ON H.C.
Petition for writ of habeas corpus denied

(See *In re Clark* (1993) 5 Cal.4th 750; *In re Robbins* (1998) 18 Cal.4th 770, 780.)

S129286HOLTSINGER (MICHAEL) ON H.C.
Petition for writ of habeas corpus denied

(See *In re Miller* (1941) 17 Cal.2d 734.)

S129305

SANCHEZ (JOSE A.) ON H.C.
Petition for writ of habeas corpus denied

S129319

VENEGAS (JOSE) ON H.C.
Petition for writ of habeas corpus denied

S129320

O'CONNELL (KEVIN) ON H.C.
Petition for writ of habeas corpus denied

(See *In re Robbins* (1998) 18 Cal.4th 770, 780.)

S129325

KULKA (JAMES E.) ON H.C.
Petition for writ of habeas corpus denied

(See *In re Clark* (1993) 5 Cal.4th 750; *In re Robbins* (1998) 18 Cal.4th 770, 780; *In re Miller* (1941) 17 Cal.2d 734.)

S129334

PERALTA (ADOLFO) ON H.C.
Petition for writ of habeas corpus denied

S129341

ANTOINE (PAUL E.) ON H.C.
Petition for writ of habeas corpus denied

(See *In re Clark* (1993) 5 Cal.4th 750; *In re Robbins* (1998) 18 Cal.4th 770, 780.)

S129342

LESLIE (ARLEY) ON H.C.
Petition for writ of habeas corpus denied

(See *In re Clark* (1993) 5 Cal.4th 750; *In re Robbins* (1998) 18 Cal.4th 770, 780.)

S129351

HOLLEY (ADRIAN) ON H.C.
Petition for writ of habeas corpus denied

S129362CAMPBELL (MAURICE) ON H.C.
Petition for writ of habeas corpus denied

(See *In re Clark* (1993) 5 Cal.4th 750; *In re Robbins* (1998) 18 Cal.4th 770, 780.)

S129363SVELUND (JOHN D.) ON H.C.
Petition for writ of habeas corpus denied**S129372**SMITH (DARREL L.) ON H.C.
Petition for writ of habeas corpus denied

(See *In re Clark* (1993) 5 Cal.4th 750; *In re Robbins* (1998) 18 Cal.4th 770, 780.)

S129374BILLS (JIMMY LEE) ON H.C.
Petition for writ of habeas corpus denied**S129377**JORDAN (IMHOTEP) ON H.C.
Petition for writ of habeas corpus denied

(See *In re Dexter* (1979) 25 Cal.3d 921.)

S129379MILLER (BARRY D.) ON H.C.
Petition for writ of habeas corpus denied**S129381**TAYLOR (ALONZO L.) ON H.C.
Petition for writ of habeas corpus denied**S129382**MARQUEZ (MIGUEL) ON H.C.
Petition for writ of habeas corpus denied**S129385**LOUIS (WINSTON W.) ON H.C.
Petition for writ of habeas corpus denied

(See *In re Robbins* (1998) 18 Cal.4th 770, 780;
In re Waltreus (1965) 62 Cal.2d 218.)

S129396

POTTS (TYRUS) ON H.C.
Petition for writ of habeas corpus denied

S129398

YOUNG (DIJON) ON H.C.
Petition for writ of habeas corpus denied

S129446

BELL (HORACE) ON H.C.
Petition for writ of habeas corpus denied

S129449

REESE (GIOVANNI JOHAN) ON H.C.
Petition for writ of habeas corpus denied

S129451

TUCKER (GERALD L.) ON H.C.
Petition for writ of habeas corpus denied

(See *In re Clark* (1993) 5 Cal.4th 750.)

S129452

MARTEL (MAURICIO) ON H.C.
Petition for writ of habeas corpus denied

S129455

JOHNSON (DUANE V.) ON H.C.
Petition for writ of habeas corpus denied

(See *In re Robbins* (1998) 18 Cal.4th 770, 780;
In re Waltreus (1965) 62 Cal.2d 218; *In re*
Lindley (1947) 29 Cal.2d 709.)

S129456

GUILLEN (JUAN HUERTA) ON H.C.
Petition for writ of habeas corpus denied

S129458

MEDINA (DAVID) ON H.C.
Petition for writ of habeas corpus denied

S129514

SOLORIO (ARTURO) ON H.C.
Petition for writ of habeas corpus denied

(See *In re Robbins* (1998) 18 Cal.4th 770, 780;
In re Waltreus (1965) 62 Cal.2d 218; *In re*
Lindley (1947) 29 Cal.2d 709.)

S129517

RANSOM (BRYAN E.) ON H.C.
Petition for writ of habeas corpus denied

(See *In re Clark* (1993) 5 Cal.4th 750; *In re Miller* (1941) 17 Cal.2d 734.)

S129526

REED (JOHN) ON H.C.
Petition for writ of habeas corpus denied

S129527

SARTIN (MARCUS) ON H.C.
Petition for writ of habeas corpus denied

S129532

CARROLL (TREMAINE D.) ON H.C.
Petition for writ of habeas corpus denied

(See *In re Robbins* (1998) 18 Cal.4th 770, 780.)

S129535

DUNNIGAN (CARLOS) ON H.C.
Petition for writ of habeas corpus denied

(See *In re Clark* (1993) 5 Cal.4th 750.)

S129541

WRIGHT (CALVIN) ON H.C.
Petition for writ of habeas corpus denied

(See *In re Waltreus* (1965) 62 Cal.2d 218.)

S129542

RAMEY (JOHNNEY) ON H.C.
Petition for writ of habeas corpus denied

(See *In re Clark* (1993) 5 Cal.4th 750; *In re Robbins* (1998) 18 Cal.4th 770, 780.)

S129544

GARCIA (JOSE I.) ON H.C.
Petition for writ of habeas corpus denied

S129551

LEVEEN (KENNETH A.) ON H.C.
Petition for writ of habeas corpus denied

S129556

SYKES (MILTON) ON H.C.
Petition for writ of habeas corpus denied

(See *In re Clark* (1993) 5 Cal.4th 750; *In re Robbins* (1998) 18 Cal.4th 770, 780.)

S129559

FLORES (EDGAR) ON H.C.
Petition for writ of habeas corpus denied

S129560

WILLIAMS (BOBBY R.) ON H.C.
Petition for writ of habeas corpus denied

(See *In re Clark* (1993) 5 Cal.4th 750; *In re Robbins* (1998) 18 Cal.4th 770, 780.)

S129564

VENEGAS (GUILLERMO) ON H.C.
Petition for writ of habeas corpus denied

S129598

TERAN (ROQUE) ON H.C.
Petition for writ of habeas corpus denied

(See *In re Clark* (1993) 5 Cal.4th 750; *In re Robbins* (1998) 18 Cal.4th 770, 780.)

S129614

THOMASON (JOSEPH) ON H.C.
Petition for writ of habeas corpus denied

S129620

SMITH (DARREL L.) ON H.C.
Petition for writ of habeas corpus denied

(See *In re Clark* (1993) 5 Cal.4th 750; *In re Robbins* (1998) 18 Cal.4th 770, 780.)

S129625

SHANNON (MICHAEL T.) ON H.C.
Petition for writ of habeas corpus denied

(See *In re Clark* (1993) 5 Cal.4th 750; *In re Miller* (1941) 17 Cal.2d 734.)

S129632

BALLESTEROS (LUIS) ON H.C.
Petition for writ of habeas corpus denied

(See *In re Clark* (1993) 5 Cal.4th 750; *In re Robbins* (1998) 18 Cal.4th 770, 780.)

S129640

KELLY (KEITH) ON H.C.
Petition for writ of habeas corpus denied

S129652

PIER (ANTHONY) ON H.C.
Petition for writ of habeas corpus denied

(See *In re Clark* (1993) 5 Cal.4th 750.)

S129655

HIRATA (STEVEN LOUIS) ON H.C.
Petition for writ of habeas corpus denied

(See *In re Clark* (1993) 5 Cal.4th 750; *In re Robbins* (1998) 18 Cal.4th 770, 780.)

S129656

JACOBS (MICHAEL S.) ON H.C.
Petition for writ of habeas corpus denied

S129658

MARISCAL (LEONARD) ON H.C.
Petition for writ of habeas corpus denied

(See *In re Clark* (1993) 5 Cal.4th 750.)

S129696

COLEMAN (DALTON) ON H.C.
Petition for writ of habeas corpus denied

S129697

TAYAG (EDWARD V.) ON H.C.
Petition for writ of habeas corpus denied

S129699

MANDAGIE (JAMES DANIEL) ON H.C.
Petition for writ of habeas corpus denied

S129725

HARBOLD (ROBERT) ON H.C.
Petition for writ of habeas corpus denied

S129727

MCNABB (RONNIE) ON H.C.
Petition for writ of habeas corpus denied

(See *In re Clark* (1993) 5 Cal.4th 750; *In re Robbins* (1998) 18 Cal.4th 770, 780.)

S129874

SHANNON (MYCHAEL) ON H.C.
Petition for writ of habeas corpus denied

(See *In re Clark* (1993) 5 Cal.4th 750; *In re Dixon* (1953) 41 Cal.2d 756.)

S131304

BELL (HORACE) ON H.C.
Petition for writ of habeas corpus denied

(See *In re Clark* (1993) 5 Cal.4th 750; *In re Miller* (1941) 17 Cal.2d 734.)

S131766

SHANNON (MYCHAEL T.) ON H.C.
Petition for writ of habeas corpus denied

S131791

HUNTER (DANNEZ) ON H.C.
Petition for writ of habeas corpus denied

S132395

BELL (HORACE) ON H.C.
Petition for writ of habeas corpus denied

(See *In re Clark* (1993) 5 Cal.4th 750; *In re Miller* (1941) 17 Cal.2d 734.)

S132680

SHANNON (MYCHAEL T.) ON H.C.
Petition for writ of habeas corpus denied

(See *In re Miller* (1941) 17 Cal.2d 734; *In re Dexter* (1979) 25 Cal.3d 921.)

S132682

SHANNON (MYCHAEL T.) ON H.C.
Petition for writ of habeas corpus denied

S132911

GOINS (MARVIN) ON H.C.
Petition for writ of habeas corpus denied

S133025

BELL (HORACE) ON H.C.
Petition for writ of habeas corpus denied

S133078

COLEMAN (DALTON) ON H.C.
Petition for writ of habeas corpus denied

S133117

MORRIS (JOSEPH) ON H.C.
Petition for writ of habeas corpus denied

(See *In re Clark* (1993) 5 Cal.4th 750; *In re Robbins* (1998) 18 Cal.4th 770, 780.)

S134688

WILSON (THEODORE O.) ON H.C.
Petition for writ of habeas corpus denied

S135179

NEWBORN (LORENZO) ON H.C.
Petition for writ of habeas corpus denied

(See *In re Dexter* (1979) 25 Cal.3d 921.)

S135935

IRVIN (STEVEN D.) ON H.C.
Petition for writ of habeas corpus & stay denied

S136738

WOLFE (MARION C.) ON H.C.
Petition for writ of habeas corpus denied

S136837

SMITH (RICHARD M.) ON H.C.
Petition for writ of habeas corpus denied

(See *In re Robbins* (1998) 18 Cal.4th 770, 780.)

S136840

MARTIN (KEITH A.) ON H.C.
Petition for writ of habeas corpus denied

S136843

O'REILLY (SYLVESTER) ON H.C.
Petition for writ of habeas corpus denied

S136882

NEWMAN (GENE) ON H.C.
Petition for writ of habeas corpus denied

S136947

NELSON (KEVIN J.) ON H.C.
Petition for writ of habeas corpus denied

(See *In re Swain* (1949) 34 Cal.2d 300, 304;
People v. Duvall (1995) 9 Cal.4th 464, 474.)

S136995

KELLY (GARY R.) ON H.C.
Petition for writ of habeas corpus denied

S137045

NOLASCO (JUVENTINO) ON H.C.
Petition for writ of habeas corpus denied

S137102

DEY (EUGENE) ON H.C.
Petition for writ of habeas corpus denied

S137109

COSTELLO (JALAL A.) ON H.C.
Petition for writ of habeas corpus denied

S137141

TSEHAI (MEBRHATO) ON H.C.
Petition for writ of habeas corpus denied

S137276

GREEN (DONALD) ON H.C.
Petition for writ of habeas corpus denied

S137294

SMITH (WALLACE) ON H.C.
Petition for writ of habeas corpus denied

(See *People v. Duvall* (1995) 9 Cal.4th 464,
474.)

S137404HAUSMANN (ROGER D.) ON H.C.
Petition for writ of habeas corpus denied

(See *In re Dexter* (1979) 25 Cal.3d 921; *People v. Duvall* (1995) 9 Cal.4th 464, 474; *In re Swain* (1949) 34 Cal.2d 300, 304.)

S137412GREEN (DONALD) ON H.C.
Petition for writ of habeas corpus denied**S137445**GAN (DENNY J.) ON H.C.
Petition for writ of habeas corpus denied**S137517**WILLAIMS (PATRICK) ON H.C.
Petition for writ of habeas corpus denied

(See *People v. Duvall* (1995) 9 Cal.4th 464, 474.)

S137856BOUDREAUX (RAY MICHAEL) ON H.C.
Petition for writ of habeas corpus & stay denied

SILVERTON ON DISCIPLINE

Order: (dispositive)

The Court Administrator/Clerk of the Supreme Court has referred Ronald R. Silvertown's letter of September 24, 2005 to the court, and the court has considered the matter en banc. The court concludes that the Petition to Add to the Order of Disbarment, received in the court's Los Angeles office on August 19, 2005, constituted a request to modify the court's decision in *In re Silvertown on Discipline* (2005) 36 Cal.4th 81, which was filed on June 23, 2005, and became final on July 25, 2005, and accordingly the Clerk of the Court properly refused to file the petition as untimely. In any event, even if the court had discretion at this point to modify the opinion as requested, the court would not exercise such discretion to permit petitioner to

file a petition for reinstatement prior to the normal five-year period after the effective date of petitioner's disbarment set forth in rule 662 of the Rules of Procedure of the State Bar.

S132820

C045000 Third Appellate District

AMERICAN INSURANCE ASSOC v. GARAMENDI

Depublication ordered

Request for judicial notice granted.

The Reporter of Decisions is directed not to publish in the Official Appellate Reports the opinion in the above entitled appeal filed February 28, 2005, which appears at 127 Cal.App.4th 228. (Cal. Const., art. VI, section 14; rule 976, Cal. Rules of Court.)

S131835B167071 Second Appellate District,
Division Three

NASHA, LLC v. CITY OF LOS ANGELES

Depublication requests denied (case closed)

S132766B177857 Second Appellate District,
Division One

APPLE COMPUTER v. S.C. (CAGNEY)

Depublication request denied (case closed)

S133702E035412 Fourth Appellate District,
Division Two

ROY v. S.C. (LUCKY STAR INDUSTRIES)

Depublication request denied (case closed)

S133764G033169 Fourth Appellate District,
Division Three

WOLSKI v. FREMONT INVESTMENT & LOAN

Depublication request denied (case closed)

S135224C047028 Third Appellate District
C047451

PROE v. CITY OF AUBURN (BETTENCOURT)

Publication requests denied (case closed)

S135250B171605 Second Appellate District,
Division ThreeLOCAL INITIATIVE HEALTH AUTHORITY FOR
LOS ANGELES v. DEPT. OF HEALTH SERVICES

Publication request denied (case closed)

S135574

A106304 First Appellate District,
Division Four

FONTANI v. WELLS FARGO INVESTMENTS

Depublication request denied (case closed)

Baxter and Chin, JJ., were recused and did not participate.

S135749

H028725 Sixth Appellate District

LITMON v. S.C. (PEOPLE)

Publication request denied (case closed)

S135903

C047605 Third Appellate District

**ANDERSON FIRST COALITION v. CITY OF
ANDERSON (FHK COMPANIES, INC.)**

Depublication request denied (case closed)

S135954

H027830 Sixth Appellate District

HOUSING AUTHORITY v. JONES

Depublication request denied (case closed)

S136090

A105143 First Appellate District,
Division Four

BARNES v. CENTER FOR CLAIMS RESOLUTION

Publication request denied (case closed)

S136376

D045073 Fourth Appellate District,
Division One

C. (A.), IN RE

Depublication request denied (case closed)

S136740

B175899 Second Appellate District,
Division Three

**SHERWOOD PARTNERS v. EOP-MARINA
BUSINESS CENTER**

Publication request denied (case closed)

S136753

B178103 Second Appellate District,
Division Three

PEOPLE v. HOBBS

Publication request denied (case closed)

S136535

G031916 Fourth Appellate District,
Division Three

PEOPLE v. VASCO

Time extended to grant or deny review

to November 16, 2005.

S135160

C044400 Third Appellate District

O'CONNELL v. CITY OF STOCKTON

Extension of time granted

Respondent's time to file the opening brief on the merits is extended to November 21, 2005.

S093765

PEOPLE v. GAY (KENNETH E.)

Withdrawal of counsel allowed by order

Good cause appearing, the application of appointed counsel for permission to withdraw as attorney of record for appellant Kenneth Earl Gay, filed September 27, 2005, is granted.

The order appointing the State Public Defender as counsel of record for appellant Kenneth Earl Gay, filed April 30, 2001, is hereby vacated.

Therene Powell is hereby appointed as counsel of record to represent appellant Kenneth Earl Gay for the direct appeal in the above automatic appeal now pending in this court.

George, C.J., was recused and did not participate.

S043628

PEOPLE v. CARRINGTON (CELESTE)

Order filed

Appellant's motion for leave to file supplemental opening brief is granted. Any supplemental respondent's brief must be served and filed on or before November 1, 2005.

S056997

PEOPLE v. WHISENHUNT (MICHAEL M.)

Motion denied

"Appellant's Motion to Unseal Records or for an Index of Sealed Materials," filed on July 15, 2005, is denied.

S107856CREW (MARK C.) ON H.C.
Reference hearing ordered

THE COURT:

Based on the record in this matter and good cause appearing, it is ordered:

The Honorable Alden E. Danner, Presiding Judge of the Superior Court of California, County of Santa Clara, is to select a Judge of the Superior Court of California, County of Santa Clara to sit as a referee in this proceeding and shall promptly notify this court of that selection. After appointment by this court, the referee is to take evidence and make findings of fact on the following questions regarding the case of People v. Mark Christopher Crew (Santa Clara Superior Court No. 101400, John Shatz, Jr. and Robert P. Ahern, Judges):

1. What information did petitioner's trial counsel have when deciding on the scope of his investigation into potential mitigating evidence?
2. What actions did petitioner's trial counsel take to investigate potential evidence that could have been presented in mitigation at the penalty phase of petitioner's trial? What were the results of that investigation?
3. What tactical justifications, if any, does petitioner's trial counsel offer for (a) limiting the scope of his investigation and conducting the investigation in the manner that he did, and (b) in limiting the presentation of penalty phase evidence in the manner that he did?
4. What additional mitigating evidence could petitioner have presented at the penalty phase? How credible was this evidence?
5. What investigative steps would have led to this additional evidence?
6. What circumstances weighed against the investigation or presentation of this additional evidence. What evidence damaging to petitioner, but not presented by the prosecution at the guilt or penalty phase of trial, would likely have been presented in rebuttal if petitioner had introduced this evidence?
7. Did petitioner do or say anything to hinder or prevent the investigation or presentation of mitigating evidence at the penalty phase, or did he ask that any such

evidence not be presented? If so, what did he do or say?

The Referee is directed to prepare and submit to this court a report of the proceedings conducted pursuant to this appointment, of the evidence adduced, and the findings of fact made.

The request for judicial notice of the record on appeal in *People v. Crew* (S03411), and of the pleadings, files and exhibits in *In re Crew* (S084495) and in *In re Crew* (S107856) is granted.

The request that any finder of fact in these proceedings be unaffiliated with the Santa Clara Superior Court is denied.

S131141

MALONE, ACCUSATION OF
Petition denied

S131233

GAITHER, ACCUSATION
Petition denied

S131309

WELCH, ACCUSATION OF
Petition denied

S131396

SANDERS, ACCUSATION OF
Petition denied

S131647

WELCH, ACCUSATION OF
Petition denied

S132755

VENTZKE, ACCUSATION OF
Petition denied

S132768

PETROVICH, ACCUSATION OF
Petition denied

S132993

PITTMAN, ACCUSATION OF
Petition denied

S133317	OZEN, ACCUSATION OF Petition denied
S133618	HARNDEN, ACCUSATION OF Petition denied
S133762	YOST, ACCUSATION OF Petition denied
S133944	SCHREIBER, ACCUSATION OF Petition denied
S133979	POSO, ACCUSATION OF Petition denied
S133983	ROBINSON, ACCUSATION OF Petition denied
S134153	GUNN, ACCUSATION OF Petition denied
S134438	DAANE, ACCUSATION OF Petition denied
S134785	RAZETTO, ACCUSATION OF Petition denied
S134832	PORTER, ACCUSATION OF Petition denied
S135105	RODICAN, ACCUSATION OF Petition denied)
S135146	WILLOUGHBY, ACCUSATION OF Petition denied

S135532SPEER, ACCUSATION OF
Petition denied**S135688**JACKSON, ACCUSATION OF
Petition denied**S135710**SAET, ACCUSATION OF
Petition denied**S135746**WILLIAMS (CARROLL), ACCUSATION OF
Petition denied**S136117**NAGEL, ACCUSATION OF
Petition denied**S136183**WILLIAMS, ACCUSATION OF
Petition denied**S136681**PENILTON, ACCUSATION OF
Petition denied**S136858**HENDRIX, ACCUSATION OF
Petition denied**S136103**RUDNICK ON REINSTATEMENT
Remanded to State Bar

This matter is remanded to the Review
Department of the State Bar Court with
instructions to review the matter under Rules of
Procedure of the State Bar, rule 301.

B182911 Second Appellate District,
Division One

JOAN KIM v. KWON LEE

The above-entitled matter, now pending in the
Court of Appeal, Second Appellate District, is
transferred from Division One to Division Two.

**SUPREME COURT OF CALIFORNIA
ORAL ARGUMENT CALENDAR
SACRAMENTO SESSION
NOVEMBER 9, 2005**

The following cases are placed upon the calendar of the Supreme Court for oral argument at its courtroom in the Stanley Mosk Library and Courts Building, Sacramento, California, on November 9, 2005.

WEDNESDAY, NOVEMBER 9, 2005 – 9:00 A.M.

- S131030 In re Marriage of Brown and Yana
 (*Cooper, J., assigned justice pro tempore*)
- S126773 People v. Salas (Javier)
 (*Butz, J., assigned justice pro tempore*)
- S124464 Pacific Lumber v. Cal. State Water Resources Control Board
 (*Bamattre-Manoukian, J., assigned justice pro tempore*)

1:30 P.M.

- S124503 People v. Shelton (Jonathan)
 (*Armstrong, J., assigned justice pro tempore*)
- S037302 People v. Hinton (Eric L.) [Automatic Appeal]
 (*justice pro tempore to be assigned.*)
- S041630 People v. Jablonski (Phillip C.) [Automatic Appeal]
 (*justice pro tempore to be assigned.*)

GEORGE
Chief Justice

Note: In light of the current vacancy on the California Supreme Court, a different justice of the Court of Appeal will be assigned to participate in each case scheduled for argument, pursuant to the court's established alphabetical rotational procedure. As soon as all such assignments have been finalized, an amended oral argument calendar will be issued setting forth the names of the assigned justices.

If exhibits are to be transmitted to this court, counsel must comply with rule 18(c) of the California Rules of Court.

